

**REMARKS/ARGUMENTS**

This amendment responds to the Office Action dated March 18, 2008 in which the Examiner required a new oath, failed to consider the references cited in the Information Disclosure Statement, rejected claim 1 under 35 U.S.C. § 102(b) and stated that claims 2-6 are allowed.

Applicant respectfully traverses the Examiner's statement that the oath is defective because it does not identify the city and either state or foreign country of residence of each inventor. Applicant respectfully brings the Examiner's attention to the oath filed on August 3, 2005, which clearly states the post office address of the inventor as Room 310, Meguro Eru Arukasaru, 3-22, Shimomeguro 1-chome Meguro-ku Tokyo 153-0064, Japan. Applicant respectfully submits that since the oath identifies the city and foreign country of the inventor, the oath is not defective. Therefore, Applicant respectfully requests the Examiner withdraws the objection to the oath.

Additionally, Applicant respectfully submits that the Information Disclosure Statement filed September 27, 2004, should be considered. Applicant respectfully points out that in PAIR the NPL document listed with the references filed with the Information Disclosure Statement represents the International Search Report translated into English. The Search Report states that the category for each of the references is A, i.e. a document defining the general state of the art which is not considered to be of particular relevance. Additionally, another copy of the International Search Report is attached to this amendment. Therefore, Applicant respectfully submits that by submitting the English translation of the International Search Report, Applicant has complied with 37 C.F.R. § 1.98(a)(3)(i). Furthermore, since a copy of a translation of the non-English references is not readily available, Applicant has complied with 37 C.F.R. §

1.98(a)(3)(ii). Finally, Applicant respectfully brings the Examiner's attention to 37 C.F.R. § 1.97(b)(1) which states that the Information Disclosure Statement shall be considered if filed within three months of the filing date of a national application, or before the mailing of the first Office Action on the merits. Since Applicant has complied with the rules for 37 C.F.R. §§ 1.97 and 1.98, Applicant respectfully requests the Examiner considers the references cited in the Information Disclosure Statement filed September 27, 2004.

As indicated above, claim 1 has been amended for stylistic reasons and to make explicit what is implicit in the claim. The amendment is unrelated to a statutory requirement for patentability.

Claim 2 has been amended for stylistic reasons only. The amendment is unrelated to a statutory requirement for patentability and does not narrow the literal scope of the claim.

Claim 1 was rejected under 35 U.S.C. § 102 as being anticipated by *Weathers* (U.S. Patent No. 2,866,514).

*Weathers* appears to disclose in FIG. 5 that partitioning walls 72, 74, 76, 78, 80, 82, 84 and 85 are cut away in the vicinity of opening 86 to form a conically shaped recess of a size which will permit a loudspeaker unit 94 to be substantially contained by the speaker enclosure when wall 68 is fastened to frame 66 (Col. 6, lines 38-43).

Thus, *Weathers* only discloses partition walls which are cut away to form a conically shaped recess for holding a speaker unit. Nothing in *Weathers* shows, teaches or suggests a partition wall passing through a center of an opening for the speaker as claimed in claim 1. Rather, *Weathers* teaches away from the claimed invention since the partition walls are cut away in the vicinity of hole 86 to form a recess to hold the speaker unit.

Since nothing in *Weathers* shows, teaches or suggests a partition wall passing through a center of an opening for the speaker as claimed in claim 1, Applicant respectfully requests the Examiner withdraws the rejection to claim 1 under 35 U.S.C. § 102(b).

As indicated above, new claims 7-11 have been added. Applicant respectfully submits that claims 7-11 are also in condition for allowance.

The prior art of record, which is not relied upon, is acknowledged. The references taken singularly or in combination do not anticipate or make obvious the claimed invention.

Thus, it now appears that the application is in condition for a reconsideration and allowance. Reconsideration and allowance at an early date are respectfully requested.

**CONCLUSION**

If for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is requested to contact, by telephone, the Applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed within the currently set shortened statutory period, Applicant respectfully petitions for an appropriate extension of time. The fees for such extension of time may be charged to Deposit Account No. 50-0320.

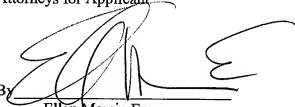
In the event that any additional fees are due with this paper, please charge to our Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicant

Date: June 4, 2008

By



Ellen Marcie Emas  
Reg. No. 32,131  
(202) 292-1530